

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NO. 2014030736

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On March 18, 2014, Parent on behalf of Student (Student) filed a Due Process Hearing Request (complaint), naming the Chula Vista Elementary School District (District) as respondent. On May 12, 2014, Student filed a Motion for Leave to file an Amended Due Process Hearing Request (amended complaint). No opposition was received from the District.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

In his motion, Student seeks an order by OAH to permit him to file an amended complaint to include claims which have accrued since the filing of the complaint, including an IEP meeting on April 7, 2014, update facts, and clarify issues and proposed remedies.

The motion to amend is timely and is GRANTED. The amended complaint shall be filed within ten days of the date of this order. All applicable timelines shall remain as listed in the April 28, 2014 Order granting Continuance and Setting New Dates. OAH will issue a new scheduling order after Student files his amended complaint.

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

IT IS SO ORDERED.

DATE: May 19, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings